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2019 FEB -6 P 4: 41

Arizona Corporation Commission

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Attorneys for Arizona Public Service Company

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

12 ROBERT "BOB" BURNS, Chairman
13 ANDY TOBIN
14 BOYD DUNN
15 SANDRA D. KENNEDY
16 JUSTIN OLSON

17 IN THE MATTER OF THE RATE REVIEW
18 AND EXAMINATION OF THE BOOKS
19 AND RECORDS OF ARIZONA PUBLIC
20 SERVICE COMPANY AND ITS
21 AFFILIATES, SUBSIDIARIES AND
22 PINNACLE WEST CAPITAL
23 CORPORATION.

DOCKET NO. E-01345A-19-0003

**ARIZONA PUBLIC SERVICE
COMPANY'S OPPOSITION TO
STACEY CHAMPION'S REQUEST
TO INTERVENE**

21 APS files its opposition to Stacey Champion's Request to Intervene because her
22 alleged interest in the matter does not rise to the level required by Commission
23 regulations. A.A.C. R14-3-105(A) permits persons "who are directly and substantially
24 affected by the proceedings" to file an application to intervene. Ms. Champion states
25 that she is an APS customer and the Complainant in what she describes as a related
26 proceeding, but neither of these allegations are sufficient to warrant her intervention.
27 This matter is exclusively a "rate review," which involves an extensive and thorough
28

1 review and examination by Staff of APS's customer education and outreach program, as
2 well as an assessment of whether APS earned within authorized limits in 2018.¹

3 As structured this rate review is solely to review, examine and report at this
4 stage. It does not include any contemplated action by the Commission, or any other
5 procedural outcome that at this point might give a person a "direct" interest in the
6 proceedings. The Commission may conclude, after receiving Staff's report regarding the
7 rate review, that additional proceedings are warranted. In that instance, a person could
8 then potentially develop a direct interest in those additional proceedings depending on
9 whether the Commission was then considering some action that could materially affect
10 the rights of APS or its customers. But until then, this review will at most result only in
11 the Commission determining whether it should initiate proceedings in which it could
12 take further action. This procedural posture is too far removed from a Commission
13 action in which a person could have a direct and substantial interest.

14 APS understands that Staff's report in this matter will be made public. Thus, Ms.
15 Champion will have access to Staff's report without the need for intervention. It is also
16 worth noting that as a customer she may appear and give comment at any proceedings
17 without the need for formal intervention under A.A.C. R14-3-105(C).

18 These facts coupled with Ms. Champion's lack of direct and substantial interest
19 in a proceeding in which Staff has only been asked to assess, examine and report back to
20 the Commission provide ample grounds to deny individual interventions at this stage of
21 the proceedings. Should the Presiding Officer believe that intervention may
22 nevertheless be warranted, APS requests that a ruling on intervention be held in
23 abeyance until Staff files its report in this matter.

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28 ¹ See December 24, 2018 Letter from Commissioners Bob Burns and Boyd Dunn, Docket Nos. E-01345A-16-0036 & E-01345A-16-0123.

1 RESPECTFULLY SUBMITTED this 6th day of February 2019.

2 By: Melissa M. Krueger
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8 ORIGINAL and thirteen (13) copies
9 of the foregoing filed this 6 day of
February 2019, with:

10 Docket Control
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
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13 COPY of the foregoing mailed/delivered
this 6 day of February 2019 to:

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